

1 DANA A. SUNTAG (State Bar #125127)
2 JOSHUA J. STEVENS (State Bar #238105)
3 ALEXANDER R. THOMAS (State Bar #350132)
HERUM\CRABTREE\SUNTAG, LLP
5757 Pacific Avenue, Suite 222
4 Stockton, California 95207
Telephone: (209) 472-7700
dsuntag@herumcrabtree.com
jstevens@herumcrabtree.com
athomas@herumcrabtree.com

7 Attorneys for All Defendants

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 J.P., a minor, by and through CHANNY SOK-) Case No.: 2:21-cv-00788-WBS-AC
11 HANG as guardian,)
12 Plaintiff,) STIPULATION AND ORDER
vs.) MODIFYING PRETRIAL SCHEDULING
13 CITY OF STOCKTON, et al.) ORDER, INCLUDING TRIAL DATE
14 Defendants.) [No hearing required]
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

This Stipulation is respectfully submitted by all named parties: Plaintiff J.P., by and through Channy Sok-Hang as guardian, on the one hand; and Defendants City of Stockton (also named as “Stockton Police Department”) (the “City”), Chief of Police Stanley McFadden, and Officer Jorge Andrade, on the other hand, all through their undersigned counsel of record.

RECITALS

- A. On May 3, 2021, Plaintiff filed this lawsuit.
 - B. On May 27, 2022, the Court issued a Status (Pretrial Scheduling) Order (ECF No. 52), scheduling a jury trial to begin on June 4, 2024.

C. On August 22, 2023, the parties submitted a stipulation and proposed order to modify ECF No. 52, which this Court granted by order issued on August 24, 2023. (See ECF No. 66.)

D. On June 6, 2024, the parties submitted a stipulation and proposed order to modify ECF No. 66, which this Court granted by order issued on June 7, 2024. (See ECF No. 76.)

E. Counsel have been diligently conducting discovery, which has included written discovery, multiple depositions, and discovery of third parties. Further, on August 1, 2024, the parties exchanged their expert disclosures and reports.

F. After conducting this discovery and exchanging expert reports, the parties held several meet and confers, agreed to private mediation, agreed on a private mediator and have agreed to attend a private mediation on December 9, 2024. Extending the dates in the scheduling order as this stipulation requests will afford the parties the opportunity to focus their efforts on mediation and will also allow the parties to conserve attorney time, resources, and the costs related to expert discovery and dispositive motion practice. It will also advance the interest of judicial economy, by conserving the substantial judicial resources that will be expended on adjudicating any dispositive motions that may be filed. If the case cannot be resolved at mediation and litigation resumes, the parties agree that neither side will be prejudiced by the extension of the successive dates on the schedule.

G. Therefore, counsel request that all dates and deadlines in the Scheduling Order be extended by approximately 120 days, with spacing between such dates to remain approximately the same as in the operative Pretrial Scheduling Order (ECF No. 76), as set forth below.

H. When an act must be done within a specified time, the Court may, for good cause, extend the time with or without motion if the court acts, or a request is made, before the original

time expires. Fed. R. Civ. P. 6(b)(1)(A). With respect to an order setting forth the Court's pretrial schedule, “[t]he district court may modify the pretrial schedule ‘if it cannot be reasonably met despite the diligence of the party seeking the amendment.’” *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

STIPULATION

The parties respectfully request the Court modify the Scheduling Order as follows:

Matter	Current Date	Proposed Date
Disclosure of Rebuttal Experts	10/1/2024	2/3/25
Cutoff of All Discovery	11/1/2024	3/3/25
Motion filing Cutoff Date	1/15/2025	5/8/25
Final Pretrial Conference	4/21/2025	7/28/2025 at 1:30 p.m.
Trial	6/24/2025	9/23/2025 at 9:00 am

Based on the foregoing, the parties respectfully request that the Court so order this stipulation.

Respectfully Submitted,

Dated: September 20, 2024

HERUM CRABTREE SUNTAG, LLP

By: /s/ Joshua J. Stevens
JOSHUA J. STEVENS
Attorneys for all Defendants

Dated September 20, 2024

LAW OFFICE OF YOLANDA HUANG

By: /s/ Yolanda Huang
YOLANDA HUANG
Attorney for Plaintiff

SIGNATURE ATTESTATION

Pursuant to Eastern District of California Local Rule 131(e), I attest that I obtained authorization to place Plaintiff's counsel's e-signature on this document and to file this document with the Court.

By: /s/ - Joshua J. Stevens
Joshua J. Stevens

ORDER

The Court, having considered the parties' stipulation, and good cause appearing, rules as follows:

IT IS ORDERED that the relief the stipulation requests is GRANTED. The operative Scheduling Order is modified as follows:

Matter	New Deadline
Disclosure of Rebuttal Experts	2/3/25
Cutoff of All Discovery	3/3/25
Motion filing Cutoff Date	5/8/25
Final Pretrial Conference	7/28/2025 at 1:30 p.m.
Trial	9/23/2025 at 9:00 am

IT IS FURTHER ORDERED that the parties shall file a joint updated status report no later than December 19, 2024.

Dated: September 20, 2024

William B. Shubb
WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE